

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALBERT BEVERLY,

Plaintiff,

vs.

1:13-CV-081
(NAM/RFT)

VILLAGE OF MENANDS, CHIEF MICHAEL
E. O'BRIEN, SERGEANT FRANK LACOSSE,
in his official and individual capacities,
OFFICER MICHAEL D'AMBRO, in his official
and individual capacities, OFFICER ED BARNES,
in his official and individual capacities, OFFICER
UNKNOWN # 1, in his official and individual
capacities, MAYOR MEG GRENIER, Mayor of
Menands, in her official and individual capacities,
OFFICER AARON ST. GELAIS, in his official and
individual capacities,

Defendants.

APPEARANCES:

OF COUNSEL:

Albert Beverly
467 5th Avenue, 2nd Floor
Troy, NY 12182
Plaintiff, Pro Se

Shantz, Belkin Law Firm
26 Century Hill Drive
Suite 202
Latham, NY 12110
Attorney for Village of Menands

Derek L. Hayden, Esq.

Carter, Conboy Law Firm
20 Corporate Woods Boulevard
Albany, NY 12211
Attorneys for Defendants

Michael J. Murphy, Esq.
William C. Firth, Esq.

NORMAN A. MORDUE, SENIOR U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge

Randolph F. Treece, duly filed on the 4th day of September, 2015. Following fourteen (14) days from the service¹ thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

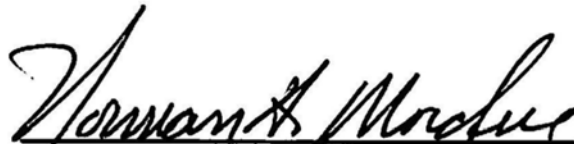
1. The Report-Recommendation (Dkt. No. 75) is hereby accepted and adopted in its entirety.

2. Defendants' Motions to Dismiss (Dkt. Nos. 67 and 69) are GRANTED and the Complaint is Dismissed in its entirety. The Clerk is directed to enter Judgment accordingly.

3. The Clerk of the Court is directed to serve copies of this Order and the Judgment in accordance with the Local Rules of the Northern District of New York, and to serve Albert Beverly by certified mail, return receipt requested at 467 5th Avenue, 2nd Floor, Troy, NY 12182.

IT IS SO ORDERED.

Dated: September 29, 2015


Norman A. Mordue
Senior U.S. District Judge

¹ The Court notes that as of July 13, 2015, the plaintiff is no longer incarcerated at the Albany County Correctional Facility and has not provided a written change of address as required by Local Rules (see Dkt. No. 4). The Report-Recommendation was served on plaintiff via regular U.S. Postal Mail at his address of record Albany County Correctional Facility, 840 Albany Shaker Road, Albany, NY 12211; and also to 467 5th Avenue, 2nd Floor, Troy, NY 12182, which is the address used by the defendants in their recent certificates of service when serving the plaintiff. The Report-Recommendation was returned undeliverable from the Albany County Correctional Facility but not the plaintiff's address in Troy, NY.